State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
April 10, 2002

ITEM: 9

SUBJECT: **Cover sheet for 2nd mailing** RE: NPDES PERMIT, U.S. NAVY POINT LOMA COMPLEX: AN NPDES PERMIT REGULATING INDUSTRIAL STORM WATER AND POINT SOURCE DISCHARGES OF WASTES TO SAN DIEGO BAY FROM VARIOUS ACTIVITIES, INCLUDING SHIP REPAIR, PIER AND PIER BOOM CLEANING AND AQUATIC ANIMAL TRAINING. (TENTATIVE ORDER NO. R9-2002-0002, DRAFT NPDES PERMIT NO. CA0109363) (Paul J. Richter).

PURPOSE: To transmit support documents received after 1st mailing.

DISCUSSION: N/A.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

13. Comment letter from U.S. Navy dated March 29, 2002.
14. Comment e-mail from Jayne Cassedy dated March 28, 2002.
15. Letter from USEPA to John Robertus, attached letter for Support Document #9.
16. Comment letter from Jane R. Carney dated March 28, 2002.
17. Request for extension of public comment period letter from Ms. Martha F. Gandy, Environmental Protection Manager, U.S. Navy, dated April 3, 2002.

RECOMMENDATION: Adopt Tentative Order No. R9-2002-002.

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45RW.rc/0075
March 29, 2002

Mr. John Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court
San Diego, CA 92123

ITEM 9
SUPPORTING
DOCUMENT 13.

Dear Mr. Robertus:

Thank you for the opportunity to review Tentative Order No. R9-2002-0002, Tentative MRP No. R9-2002-0002, and Fact Sheet Tentative Order No. R9-2002-0002 dated February 20, 2002. Submitted as Enclosure (1) are our comments regarding these items.

In addition, we would like to request an extension of the comment period to further evaluate and study both the comments submitted in enclosure (1) and the remainder of Tentative Order No. R9-2002-0002, Tentative MRP No. R9-2002-002, and Fact Sheet Tentative Order No. R9-2002-002.

If there are any questions regarding these comments or the extension request, please feel free to contact Mr. Brian Gordon, Director, Compliance Division Director, at (619) 524-6390, or Mr. Rob Chichester, Water Program Manager, at (619) 524-6417.

Sincerely,

D. J. BOLAND
Assistant Chief of Staff
for Environment

Enclosure: 1. CNRSW Environmental comments on Tentative Order No. R9-2002-0002, Tentative MRP No. R9-2002-0002, and Fact Sheet Tentative Order No. R9-2002-0002 dated February 20, 2002

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD
2002 MAR 29 P 4:31

U.S. Navy Comments
Tentative Order No. R9-2002-0002
Monitoring and Reporting Program No. R9-2002-0002
NBPL NPDES Permit No. CA0109363

General Comments

Industrial Storm Water Monitoring: The Tentative Order and Tentative Monitoring and Reporting Program require sampling and analysis of the next two storm events following an industrial storm water discharge containing a copper concentration greater than 63.3 ug/L or a zinc concentration greater than 117 ug/L. As explained below, we believe the monitoring strategy proposed by RWQCB is impracticable and unduly burdensome, and that more technical discussion is necessary before establishing target zinc and copper levels and a related resource intensive monitoring program.

The sampling and analysis (monitoring) strategy required per this Order when target levels of copper and zinc are exceeded (Section B., Discharge Specifications) is impracticable and unduly burdensome. Specifically, we do not see the value in requiring the sampling and analysis of "the next two storm events" after initial analyses show copper and zinc concentrations in excess of the prescribed limits. In essence, until the target concentration levels are achieved in a stormwater sampling event, all outfalls exceeding the target concentrations would need to be re-sampled during every storm event. This will increase our monitoring costs several fold annually as we have over 70 outfalls. We feel it is not necessary to continue repetitive sampling until ample time is provided to modify Storm Water Pollution Prevention Plans (SWPPP) and implement new Best Management Practices (BMP). Any additional sampling conducted before these modifications are in place will not provide meaningful data. As the draft permit is currently written, the resource commitments and costs of this repetitive monitoring and reporting is a burden that does not bear a reasonable relationship to the need as required per Water Code §13267(b)(1). This Code section requires that cost be taken into account in the burden/need analysis.

Target zinc and copper levels and any related monitoring program should be developed following further technical discussion between the RWQCB and Navy. Additionally, target levels and the related monitoring program should not be included in the permit until the Phase II stormwater requirements are applicable and Best Management Practices (BMP) associated with the Phase II requirements have been implemented to some degree. At NBPL, many of the sampling points for this Permit will consist of stormwater runoff from both industrial and non-industrial areas. Unlike other regulated entities, this large naval installation is similar to a municipality, and it is not feasible to separate the two types of stormwater so as to monitor just industrial stormwater. Since the non-industrial areas of NBPL will not be regulated until the Phase II Stormwater requirements take effect and NBPL samples under this Tentative Order will consist of both industrial and non-industrial sources, it is not appropriate to establish target zinc and copper levels until the Phase II regulations apply. Additionally, target zinc and copper levels stated in the NBPL Tentative Order are based on the EPA Multi-sector Permit, designed for industrial storm water sources. Again, many, if not most, of the potential sources of copper and zinc at NBPL are from non-industrial sources and as such are not regulated under this Tentative

Order. There are several existing studies showing overwhelming evidence that sources of zinc and copper found in stormwater are from urban, non-industrial sources. For example, non-industrial sources include automotive sources (automobile brake shoes, tires, and exhaust), asphalt shingles, galvanized metal rooftops, and metal fencing, all of which are found at NBPL. In a recent study, the Santa Clara Valley RWQCB found zinc concentrations between 260 and 1,000 ug/L, and concluded that two-thirds of the zinc was likely from automobile sources (ref. CRWQCB San Diego Region.2000. Total Maximum Daily Load for Chollas Creek Watershed Metals). Other studies have found that galvanized metal rooftops was the primary source of zinc in stormwater runoff (ref. Good, J.C. 1993."Roof Runoff as a Diffuse Source of Metals and Aquatic Toxicity in Stormwater) (ref. Polluted Urban Runoff: A source of Concern. 1997.University of Wisconsin-Extension (UWEX) and Wisconsin Department of Natural Resources). Several other studies exist as well.

Thus, there are numerous potential sources of zinc and copper; both industrial and non-industrial, that must be identified prior to making a reasonable determination of appropriate zinc and copper concentrations to be included in the NBPL Permit. NBPL has been proactive by initiating such a Copper and Zinc Source Determination study at the installation. This study, initiated in early 2002, includes identifying sources that are contributing copper and zinc in stormwater discharges, determining the effectiveness of existing BMPs, and recommending additional BMPs. Because the possible higher level copper and zinc contributions from these non-industrial sources intermixes with stormwater runoff from industrial sources, sample results from these combined areas may not reflect the true industrial compliance picture. Our point is that it is not appropriate to apply the target concentrations levels from the EPA Multi-sector Permit that were designed for industrial sources when the sources that contribute to the sampling points at NBPL are both industrial and non-industrial, and NBPL will not have an opportunity to implement BMPs for non-industrial sources until the Phase II requirements.

In summary, it is not appropriate to use the Multi-Sector concentration levels for both industrial and non-industrial sources, and we request that consideration of their use be deferred until some time after Phase II Stormwater regulations take effect. As an alternative, we suggest that NBPL be required to submit a Sampling and Monitoring Plan for these combined industrial and non-industrial sources within one year of the issuance of this order. Then, RWQCB can approve and modify following technical discussions with the Navy. This will allow NBPL to complete the copper and zinc study already initiated. We believe that further technical discussions are necessary to develop a feasible monitoring plan that provides meaningful information to assist in reducing levels of copper, zinc, and other pollutants of concern. These technical discussions may lead to the establishment of target concentration levels for copper and zinc. However, setting such levels and a strategy to work towards them is a very important matter. The best mechanism to do this is by submittal of a plan by the Navy and subsequent meetings and/or Workshops with the RWQCB to finalize. Thirty days to comment on a written document does not provide adequate time or a proper forum for a full and complete discussion of the technical aspects of zinc and copper monitoring. Request this Order state that the Navy is to submit a Monitoring Plan for zinc and copper constituents in stormwater within one year of the issuance of this Order, and that a Technical Working Group will be formed to determine the appropriate target zinc and copper concentrations and associated monitoring plan. In the interim, the

requirements for monitoring copper and zinc in the existing California General Permit will remain in effect.

Priority Pollutant Monitoring of Non-Stormwater Point Sources Discharges: Concentration of each priority pollutant should be determined in the San Diego Bay (Bay) impacted water or mixing zone immediately impacted by the point of discharge rather than in effluent at the point of discharge. Based on monitoring data collected by the discharger, as described on page 1 of the Implementation Plan, San Diego RWQCB will determine if water quality based effluent limitations for priority pollutants are required. If required, SD RWQCB will develop effluent limitations that are based on the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California. According to this Policy, the first step in determining priority pollutants requiring water quality based effluent limitations is to identify the most applicable water quality criteria as presented in the Table 1 40 CFR 131.38. Among others, 40 CFR 131.38 provides both water quality criteria that have been developed to protect fresh water aquatic life and saltwater aquatic life. However, SD RWQCB does not indicate which water quality criteria will be used to develop water quality based effluent limitations. Since different concentrations of priority pollutants may be detected when analyzed in freshwater compared to saltwater, establishing the applicable water quality criteria prior to conducting water sampling is an important priority. Logically, it can be assumed that salt water criteria is the most applicable in protecting aquatic life that exists in San Diego Bay. Hence, it would follow that point source discharges that have mixed with Bay water is the most appropriate source for water sampling if the goal is to ensure the protection of aquatic life that exist in salt water. However, the draft Permit requires water sampling of "effluent at the point of discharge" or essentially freshwater (from fresh water point source discharges) where saltwater organisms do not live and results of such analysis would produce contaminant concentrations that are not representative of the saltwater environment. Moreover, tidal influences can impact the concentration of priority pollutants detected in the Bay. For example, point source discharges to the Bay at low tide may result in higher concentrations of priority pollutants than what would be detected during high tide. Thus, rather than determining the concentration of the priority pollutant in the effluent at the point of discharge, it appears to be more appropriate to develop a monitoring program that is based on a mixing zone study and better represents the potential exposure of aquatic life in San Diego Bay to priority pollutants in point source discharges.

Systems Engineering Analysis Report: The Tentative Order requires the preparation and submittal of a *systems engineering analysis report* when the industrial storm water discharge concentrations for copper are greater than 63 ug/L or greater than 117 ug/L for zinc, for more than 50% or the storm water discharge analyses over a two year period. Because of the intermixing of industrial and non-industrial stormwater runoff, we request this period be extended from two years to four years. This will allow adequate time to further develop recently initiated industrial stormwater programs and time to establish our Phase II Stormwater programs.

In early 2000, the Navy created a Storm Water Working Group (SWWG) whose membership includes key Navy and contractor personnel with influence and technical capabilities to reduce stormwater pollution. Some of the programs already initiated by the SWWG include additional

training for Navy and contractor personnel on storm water BMPs, increased BMP inspections at industrial sites by environmental staff, implementation of new innovative BMPs (biofiltration strips, stormwater filtration systems, mechanical sweepers and wet scrubbers, etc.), and the development new data management tools (Navy stormwater GIS system). In only a short period of time these programs have proven to be effective in reducing copper and zinc levels. The programs will require longer than the two-year period specified in the permit to reap full benefits.

Implementation of these programs identified by the SWWG is complicated by the fact that Navy installations in San Diego cover thousands of acres, including varied residential, commercial and industrial land uses. Navy installations are similar to municipalities and require extensive coordination among numerous organizations to develop and implement programs. The extension to a four-year period is therefore more reasonable in this case and would allow the Navy to fully implement Phase II Stormwater programs to address these diverse land use issues.

Lastly, the Bay areas in front of Naval Submarine Base, San Diego (SUBASE) and Naval Station, San Diego (NAVSTA) are scheduled for TMDL development. But, they are not expected to be completed within the two-year period specified in the permit. The Navy will support the TMDL development process by measuring pollutant loading from point and non-point source discharges. This information can then be used to measure impacts to the Bay from all sources, including storm water. The Navy has already demonstrated leadership in starting this work at NAVSTA and has presented the sampling plan to RWQCB staff. The extension to four years will allow the Navy to use information from the NAVSTA and SUBASE TMDLs to further enhance Navy stormwater management programs.

Sediment Monitoring: The tentative order and monitoring and reporting program require that a sediment monitoring program plan be developed and submitted within one year of the adoption of this Order to analyze potential impacts to sediment where high levels of copper and zinc exist. The purpose for this proposed sediment monitoring program is not stated. We understand that contaminated sediments exist near NBPL as well as other locations in San Diego Bay, and there is a need to address the problem. However, at this point, we do not believe that performing extensive sediment sampling near NBPL without evaluating sediments and sources of copper and zinc throughout the Bay will be of any significant value. Although the Navy stormwater runoff may be a source of copper and zinc, the Navy's contribution is one of numerous sources. Because the data value will be low and the cost high, we feel extensive sediment monitoring would likely violate California Water Code § 13267(b)(1).

Furthermore, the Navy has been a leader in addressing the problem of contaminated sediments in San Diego Bay, and our efforts as well as existing programs appear to be ignored. Existing programs, including the California Bay Protection and Toxics Cleanup Program (BPTCP) and TMDL development under the CWA, are the more appropriate frameworks to address sediment sampling. The BPTCP has already designated areas in the bay with contaminated sediments as "Toxic Hot Spots" (THSs). It is the Navy in fact who has conducted most of the sediment sampling and analyses at the Chollas and Paleta Creek THSs even though Navy property constitutes a relatively small percentage of the watershed that contributes drainage to these creeks. Additionally, the Navy has taken the lead on TMDLs for the area in front of Naval

Station, San Diego. Although the RWQCB has not started work on TMDL development for this area, the Navy has already funded and conducted initial sampling to support the RWQCB in developing TMDLs. The Bay area near NBPL also has been designated as impaired under the TMDL Program and the Navy will here too be collaborating with the RWQCB and other interested stakeholders in developing the TMDL Program.

Because these existing programs are underway and the Navy is currently leading the effort and contributing more than its "fair share" of resources to the programs, the inclusion of extensive sediment monitoring is unnecessary. Furthermore, it may redirect resources away from real progress made in these areas. If the RWQCB finds it must be required, sediment sampling should be done on an infrequent basis, such as every five years, and merely as a basic indicator. Again, the BPTCP and TMDL processes are more appropriate ways to address sediment contamination issues.

Monitoring and Reporting Program – Point Sources

Many of the parameters included in the monitoring program are unlikely to be present in the point source discharges subject to this order. Parameters that are not expected to be present, based on analytical results or the discharge characteristics, should be waived from the monitoring program. For those parameters that may be present in the discharge, a provision should be included in the permit that allows the elimination of parameters if the monitoring results show they are not present in significant quantities. The elimination of parameters from the monitoring program could be subject to approval by the RWQCB.

TENTATIVE ORDER / NPDES PERMIT

Page 1, Finding 1: Finding 1 should be revised to include miscellaneous discharges and manhole dewatering as point source discharges. Finding 1 lists Navy installations aligned under the Naval Base Point Loma Complex and discharges that occur at each installation. All of the installations in the NBPL complex include miscellaneous discharges and manhole dewatering as potential point sources.

Page 2, Finding 2: Pier Boom Cleaning is listed as a point source discharge. In the initial Report of Waste Discharge (RWD) submitted by the Navy, the source of boom cleaning water was incorrectly listed as seawater. Potable water is used for boom cleaning. All other boom cleaning data submitted is correct. An updated Report of Waste Discharge (RWD) will be submitted with these changes.

Page 2, Finding 2: Finding 2 should be revised to include Mammal Enclosure Cleaning as a point source discharge. High pressure, heated fresh water is used for cleaning fecal matter from sea lion pens located at the Space and Naval Warfare Systems Center, San Diego, Point Loma Campus (SSC San Diego PLC). This process is not hydroblasting and should not be considered a prohibited discharge. A description of this discharge is included in the comments addressing the Fact Sheet. An updated Report of Waste Discharge (RWD) will be submitted with these changes.

Page 2, Finding 2: Finding 2 should be revised to include Small Boat Rinsing as a point source discharge. High pressure, heated fresh water (maximum: 170 deg. F) is used at SSC San Diego PLC to remove marine growth and mammal fecal matter from boats utilized to transport marine mammals. Boat engine cooling systems are also flushed with fresh water to remove salt water that could corrode the engine(s). A description of this discharge is included in the comments addressing the Fact Sheet. An updated Report of Waste Discharge (RWD) will be submitted with these changes.

Page 5, A. Prohibitions 1: Clarified water from oil water separators is listed as a prohibited discharge. The California Coastal Commission (CCC) and San Diego Regional Water Quality Control Board (SDRWQCB) have required the installation of oil water separators for treating stormwater runoff on newly constructed Navy piers. We request this prohibited discharge be reworded so that discharges of pretreated stormwater are not prohibited.

Page 6, A. Prohibitions 1. : Through the Uniform National Discharge Standards (UNDs) Program, established under CWA § 312(d) and implementing regulations 40 CFR Part 1700.4, ballast water has been identified as a discharge requiring control through use of a Marine Pollution Control Device (MPCD). DoD and EPA, in consultation with other agencies including the States, is currently developing performance standards for discharges determined to require MPCDs, including ballast water. Therefore, ballast water should not be regulated under this NPDES Permit. Request the bullet stating "contaminated ballast water" be deleted.

Page 6, B. Discharge Specification: We assume this requirement does not take effect until the first rainy season as defined by the *General Industrial Stormwater Permit* that occurs after the adoption of this order.

Page 6, B. Discharge Specifications, 3: The first bullet in this section should be revised to state "**more than**" 50% of the copper or zinc concentrations are greater than that specified above. This would be consistent with the wording in the preceding paragraph.

Page 7, B. Discharge Specifications 3: The components listed under the "*systems engineering analysis report*" are required to be completed within one year. The Navy's budgeting system requires funding to be requested two years in advance. Therefore, we will not be able to complete the report if contract support is needed within the one-year time frame. We anticipate that contract support will be needed in most situations. We request the *systems engineering analysis report* timeline be extended to 3 years to better match our funding limitations.

Page 8, C Receiving Water Limitations.1.a. (6): This statement does not list the source of the requirement in item (6). We request that the source of this requirement be cited.

Page 9, Item C.1.c. This section discusses Radioactivity. The Navy would like verbiage to be added to this statement that "Atomic Energy Act Radioactivity is not considered a pollutant under the Clean Water Act and measurement requirements related to it are outside the authority of this permit."

Page 10, D. Provisions, 8: This section states that RWQCB and EPA representatives will have access to enter premises where a regulated facility or activity is located or conducted. We would like to make a general statement that there could be situations where access would be denied during periods of heightened threat status, or into areas that require a high security clearance.

Page 11, E. Reporting Requirements, 2.f: This section requires a RWD for "Any planned physical alterations or additions to the permitted facility". This needs to be more clearly defined. We request this be changed to state, "Any planned physical alterations or additions to the permitted facility that would result in a material change in the character, amount, or location of waste discharge".

Page 13, E. Reporting Requirements, 6.: The authority for the notification requirement in this section is not cited. We could not find a regulatory basis for requiring notification for non-toxic pollutants. Additionally, since the monitoring and reporting program requires analyses for non-toxic pollutants that are not limited by this permit, we are concerned that this Order requires notification for non-toxic pollutants at concentrations that do not pose a threat to San Diego Bay. For example, this provision would require notification if Oil and Grease concentrations in a discharge exceeded 100 ug/L. Oil and Grease concentrations of 100 ug/L are very low, do not pose a threat to the bay and therefore should not trigger RWQCB notification. Further, it appears that 40 CFR 42 is the authority relied on for requiring notification for toxic pollutants, but this section applies to specific categories of discharges that would not include navy activities.

Accordingly, we request that the notification requirement for non-toxic pollutants in this section be deleted.

ATTACHMENT A: LOCATION MAPS

Four (4) maps with modifications and additions will be enclosed in the revised RWD.

ATTACHMENT B: DISCHARGE COORDINATES

Abalone and bioassay are listed in Table 2 (Discharge coordinates for MSF). While these discharges are located on MSF, SSC San Diego PLC personnel control them. We request that a note be added to the bottom of Table 2 stating that the discharges are from activities managed by SSC San Diego PLC. These items will be forwarded in the revised RWD.

MONITORING AND REPORTING PROGRAM

Page M-2, A. Monitoring Provisions, 3: This section requires that duplicate copies of the monitoring reports be submitted to USEPA. Unless this is required by the NPDES regulations, please delete this requirement. Copies of the reports will be available both at the RWQCB and Navy offices and could be provided upon request to the USEPA.

Page M-4, B. Effluent Monitoring, 1. Utility Vault and Manhole Dewatering, Table 1: Some of the monitoring parameters included in Table 1 are not believed to be present in the discharge.

The Navy requests arsenic, mercury, and silver be removed from Table 1. These pollutants are not added to the discharge and there is no reason to believe they would be present.

Page M-4 & M-5, B. Effluent Monitoring, 2. Steam Condensate, Table 2: Some of the monitoring parameters included in Table 2 are not believed to be present in the discharge. The Navy requests that the following parameters be removed from the monitoring program based on laboratory analytical results submitted in the RWD and knowledge of the discharge characteristics.

- Oil and Grease (not added to process and no exposure to sources of oil and grease)
- Salinity (fresh water is required to generate steam, no source that would raise salinity)
- Arsenic (not added to process and no exposure to sources of arsenic)
- Cadmium (not added to process and laboratory analytical results were non-detect)
- Chromium (not added to process and no exposure to sources of chromium)
- Copper (not added to process and laboratory analytical results were non-detect)
- Lead (not added to process and laboratory analytical results were non-detect)
- Mercury (not added to process and laboratory analytical results were non-detect)
- Nickel (not added to process and laboratory analytical results were non-detect)
- Silver (not added to process and no exposure to sources of silver)
- Zinc (not added to process and laboratory analytical results were non-detect)
- PAHs (not added to process and no exposure to sources of PAHs)

Page M-4 & M-5, B. Effluent Monitoring, 3. Diesel Engine Cooling Water, Table 3: Some of the monitoring parameters included in Table 3 are not believed to be present in the discharge. The Navy requests the following parameters be removed from the monitoring program based on laboratory analytical results submitted in the RWD and knowledge of the discharge characteristics.

- Arsenic (not added to process and no exposure to sources of arsenic)
- Cadmium (not added to process and laboratory analytical results were non-detect)
- Chromium (not added to process and no exposure to sources of chromium)
- Silver (not added to process and no exposure to sources of silver)
- Lead (not added to process and laboratory analytical results were non-detect)
- Mercury (not added to process and laboratory analytical results were non-detect)
- Nickel (not added to process and laboratory analytical results were non-detect)
- Ammonia (not added to process and laboratory analytical results were non-detect)

Page M-6, 4. SUBASE ARCO: The monitoring and reporting program requires ballast tank integrity records to be submitted. Ballast tank discharges are listed under Uniform National Discharge Standards (UNDS) CWA Section 312(d). As such, we believe that ballast water should not be regulated under this NPDES Permit.

Page M-8, D. Sediment Monitoring: (See Sediment Monitoring in the ***General Comments*** above).

Page M-8, C. Industrial Stormwater, Additional Monitoring: (See Industrial Stormwater Monitoring in the ***General Comments*** above.)

Page M-8&9, E. Monitoring for the Implementation Policy: The Effluent Monitoring Requirements (Page M-7) for the Dolphin Pools, Unused San Diego Bay Water, Abalone Tanks & Bioassay Trailer, and Miscellaneous Discharges only require a log of significant changes. No sampling is required. Based upon these requirements, we believe the RWQCB staff recognizes that these operations do not contribute to contamination of the Bay. These are low volume discharges of water that do not compromise the protection of San Diego Bay and should be exempted from any monitoring requirements. In addition, the Fact Sheet (page 38) identifies several discharges as innocuous nonmunicipal wastewaters that will not be considered as industrial process waters. We believe the monitoring and reporting program should be revised to waive monitoring priority pollutants, 2,3,7,8-TCDD, and the 17 congeners listed in this section for discharges associated with Dolphin Pools, Unused San Diego Bay Water, Abalone Tanks & Bioassay Trailer, Steam Condensate, Diesel Engine Cooling Water, MSF Pier Washing, Boom Cleaning, Mammal Enclosure Cleaning, Boat Rinsing, and Miscellaneous Discharges.

Supporting this request:

- Fact Sheet (page 38) states: "For the purpose of the Bays and Estuaries Policy and tentative Order No. R9-2002-0002, the discharge of the following wastes will be considered innocuous nonmunicipal wastewaters and, as such, will not be considered industrial process wastes: Utility Vault & Manhole Dewatering; Steam Condensate; Diesel Engine Cooling Water; MSF Pier Washing; Dolphin Pools; Unused San Diego Bay Water; Abalone Tanks & Bioassay Trailer Discharges; Pier Boom Cleaning; and Miscellaneous Discharges (landscape watering runoff, potable water & fire system maintenance)."

- Bays and Estuaries Policy (page 5) states: "The RWQCB shall require periodic monitoring (at least once prior to the issuance and reissuance of a permit) for pollutants for which criteria or objectives apply and for which no effluent limitations have been established; **however, the RWQCB may choose to exempt low volume discharges, determined to have no significant adverse impact on water quality, from this monitoring requirement."**

- Bays and Estuaries Policy (page 33 & 34) states: "Where site-specific conditions in individual water bodies or watersheds differ sufficiently from statewide conditions and those differences cannot be addressed through other provisions of this Policy, the SWRCB may, in compliance with the CEQA, subsequent to a public hearing, and with the concurrence of the U.S. EPA, grant an exception to meeting a priority pollutant criterion/objective or any other provision of this Policy where the SWRCB determines:
    - The exception will not compromise protection of enclosed bay, estuarine, and inland surface waters for beneficial uses; and
    - The public interest will be served."

Page M-9, E. Monitoring for the Implementation Policy: Monitoring for 2, 3, 7, 8-TCCD and 17 congeners from the Implementation policy once during wet weather and once annually for the next 3 years for the following discharges; Steam Condensate, Diesel Engine Cooling Water,

MSF Pier Cleaning, Dolphin Pools, Unused Bay Water, Abalone and Bioassay Tank, Boom Cleaning, and Miscellaneous discharges. We believe the 3-year requirement is only for Major Discharges. While NPBL has been given a TTWQ of 1-A the vast majority of the facilities in the NPBL Complex are non-industrial. We request that only those discharges associated with industrial processes be subject to these monitoring requirements. We also request that those discharges associated with industrial processes only be sampled for the parameters listed if they are likely to be present in the discharge.

Page M-9, F. Monitoring Report Schedule, Table 4: Annual reports are listed as being due March 1 each year. The Navy requests that the annual reporting requirements for stormwater have the same due date as the General Industrial Stormwater Permit, July 1. All other annual permit discharges can still have the March 1 deadline.

Pages M-4 through M-8, B. Effluent Monitoring: The Navy requests that when COD monitoring is required for marine discharges, BOD testing is used in place of COD. The Navy feels that the salinity from marine related samples can cause an interference spike in COD analyses that may result in inconsistent COD results. The Navy feels that BOD results will suffice as an adequate indicator for oxygen demand on marine related samples.

FACT SHEET

All of the installations in the NBPL complex may have miscellaneous discharges and manhole dewatering as point source discharges. This information was presented in the RWD and should be included in the Fact Sheet..

Page 4, a. NBPL Installation – SUBASE, Point Source Discharges: This section lists ship repair and maintenance activities as a point source. The federal regulations (40 CFR, Section 122.2) provide a definition for Point Source as it applies to the National Pollutant Discharge Elimination System (NPDES) program. The regulations state "*Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.*" We believe ship repair and maintenance activities as describe in this permit do not fall under this definition and should be removed from this section. Discharges from these activities, if they were to occur, are unintended and do not originate from a discernible, confine or discrete conveyance. Since discharges from these activities do not meet the regulatory definition for point source, we request these activities not be listed as point source discharges.

Page 6, c. NBPL Installation – FASW, Point Source Discharges: This section lists steam condensate as a point source discharge at FASW. The RWD submitted on December 5, 2001 stated that there were no known discharges of steam to San Diego Bay. Please remove steam condensate as a point source discharge.

Page 7, d. NBPL Installation – PWC TSF, Point Source Discharges: Change "CNRS" to "CNRSW".

Page 8, e. NBPL Installation - SSC San Diego PLC, Point Source Discharges: This section does not list all of the point source discharges at SSC San Diego PLC. The following discharges should be included in this section: utility vaults, dolphin pools, mammal enclosure cleaning, small boat rinsing, unused San Diego Bay water, abalone tanks & bioassay trailer, and miscellaneous. The Navy believes ship repair and maintenance activities are not point source discharges and should be remove from this section.

Page 9, g. NBPL Installations – FCTCPAC: Change "Installation Description and Location" to "Installation Location and Description".

Page 9, g. NBPL Installations – FCTCPAC, Installation Description and Location: The first paragraph in this section states that the FCTCPAC installation is undeveloped. This should be changed to state the installation is *mostly* undeveloped.

Page 11, II. Point Source Discharges, Section, 4th paragraph: The NOV listed in this paragraph was for activities conducted at Naval Base San Diego and should not be listed in the NPBL Fact Sheet. The Navy requests that this item should be removed for the Fact Sheet.

Page 11, II. Point Source Discharges: We believe ship repair and maintenance activities are not point source discharges and should be removed from this section. See Fact Sheet Comment Page 4, a. NBPL Installation – SUBASE, Point Source Discharges above.

Page 12, a. Ship Repair and Maintenance Activities: We believe ship repair and maintenance activities are not point source discharges and should be removed from this section. See Fact Sheet Comment Page 4, a. NBPL Installation – SUBASE, Point Source Discharges above.

Page 13, Section II. Point Source Discharges, a., 4th paragraph: Clarified Water from oil and water separator is listed as a prohibited discharge. The California Coastal Commission (CCC) and San Diego Regional Water Quality Control Board (SDRWQCB) have been requiring the installation of oil water separators for treating stormwater runoff on newly constructed Navy piers. The Navy requests this prohibited discharge be re-worded so that discharges of pretreated stormwater are not prohibited.

Page 13 –14, II. Point Source Discharges, a. Prohibited Discharges: We request that the comment "Water from the floating drydock's holding tanks when the drydock is in use as a work area" be changed to "Water from the floating drydock's *wastewater* holding tanks when the drydock is in use as a work area".

The Navy requests that the listed prohibited discharge of "vessel washdown water" and "contaminated ballast water" be removed from this list. Through the Uniform National Discharge Standards (UNDs) Program established under CWA § 312(d) and implementing regulations 40 CFR Part 1700.4, ballast water and vessel washdown water have been identified as discharges requiring control through use of Marine Pollution Control Devices (MPCD). DoD and EPA, in consultation with other agencies including the States, are currently developing performance standards for discharges determined to require MPCDs, including ballast water and vessel washdown water. Therefore, ballast water and vessel washdown water should not be

regulated under this NPDES Permit. Request the bullets stating "contaminated ballast water" and "vessel washdown water" be deleted.

Page 16, Section II. Point Source Discharges, Table 1: Navy believes the COD results taken on 8/24/00 are inaccurate and that the results from the 8/10/00 sample better reflect the COD levels of steam condensate.

Page 17, Section II. Point Source Discharges, d: The Navy is confirming the installation date of the diesel generators based on the classification under the Thermal Plan.

Page 21, Section II. Point Source Discharges, e: Navy requests that a waiver be granted for the 48-hour flood notification for emergency repairs. In such case SD RWQCB notification will be made as soon as reasonably possible.

Page 21, Section II. Point Source Discharges, f: The Navy requests that the coliform monitoring results should be reported as a ratio of Fecal Coliform to Fecal Streptococci. A generally accepted rule of thumb that at Fecal Coliform/Fecal Streptococci ratio of <1 is generally accepted as domestic animal in nature. A Fecal Coliform/Fecal Streptococci ratio of >4 are generally accepted as anthropogenic in nature.

Page 23, Section II. Point Source Discharges: Please add the following point source discharges to the Fact Sheet for SSC San Diego. A revised RWD will be submitted for these discharges:

Mammal Enclosure Cleaning: Deck areas within the sea lion enclosures are cleaned daily. High pressure heated fresh water (maximum:170 deg. F) and/or broom cleaning is used as necessary to make sure areas are kept clean/sanitary for the well being of the mammals. Sea Lion fecal matter is especially oily and hard to remove without high-pressure heated water. No chemicals are used to clean decks.

Mammal enclosure netting, below the water, is cleaned as necessary to provide for the safety and well being of the mammals. Excess growth of marine life is removed from the nets with high pressure saltwater. No chemicals are used to clean nets.

Small Boat Rinsing: Boats used to transport the mammals are rinsed off with fresh water at the Pier 160 boat ramp. High pressure heated fresh water (maximum:170 deg. F) is used as necessary to remove marine growth and any mammal fecal matter from the boats. Boat engine cooling systems are flushed with fresh water to remove salt water that could corrode engine. No chemicals are used to clean boats/engines at the boat ramp.

Please add the following point source discharges to the fact sheet.

Page 28, I. Mammal Enclosure Cleaning:

Various operations discharge fresh or saltwater to the Bay from the U.S. Navy's SSC San Diego Marine Mammal Program (Dolphins and Sea Lions).

- Deck areas leading to mammal enclosures are cleaned, as necessary, with high-pressure salt water. No chemicals are used to clean decks.

- Deck areas within the sea lion enclosures are cleaned daily. High pressure heated fresh water (maximum:170 deg. F) and/or broom cleaning is used as necessary to make sure areas are kept clean/sanitary for the well being of the mammals. Sea Lion fecal matter is especially oily and hard to remove without high-pressure heated water. No chemicals are used to clean decks.

- Mammal enclosure netting, below the water, is cleaned as necessary to provide for the safety and well being of the mammals. Excess growth of marine life is removed from the nets with high pressure saltwater. No chemicals are used to clean nets.

Note: Guidance from the Department of the Navy ensures that all Navy marine mammals receive the highest quality of humane care and maintenance in accordance with all applicable laws and regulation. Cleanliness, sanitation and maintenance of mammal facilities are essential to the health and well being of U.S. Navy marine mammals. Operations listed above are low volume discharges that present no significant adverse impact on water quality.

Page 28. m. Small Boat Rinsing:

- Boats used to transport the mammals are rinsed off with fresh water at the Pier 160 boat ramp. High pressure heated fresh water (maximum:170 deg. F) is used as necessary to remove marine growth and any mammal fecal matter from the boats. Boat engine cooling systems are flushed with fresh water to remove salt water that could corrode engine. No chemicals are used to clean boats/engines at the boat ramp.

Page 35, Section III. Industrial Storm Water Discharges, h., 4th paragraph: States that "within one year of determining that 50% of the copper or zinc…". This statement should match the statement on Page 6, Item B.3., first paragraph, that states "…storm water discharges found to be greater than 63 ug/L for copper or greater than 117 ug/L for zinc, for more than 50% of the storm water discharge…".

Page 35, Section III. Industrial Stormwater Discharges, h., 4th paragraph: (See Industrial Stormwater Discharge ***General Comment*** above).

Page 36, Section IV. Rating, first paragraph: States that NPBL had a point score of 539.5 based upon a NPDES Permit Rating Worksheet. We would like a copy of this worksheet to see the rationale for deriving this score.

Page 39, Section V. Basis for Conditions in the Tentative Waste Discharge Requirements (WDR), c: Monitoring for 2, 3, 7, 8-TCCD and 17 congeners from the Implementation policy once during wet weather and once annually for the next 3 years for the following discharges; Steam Condensate, Diesel Engine Cooling Water, MSF Pier Cleaning, Dolphin Pools, Unused Bay Water, Abalone and Bioassay Tank, Boom Cleaning, and Miscellaneous discharges. The Navy believes the 3-year requirement is only for Major Discharges. While NPBL has been given

a TTWQ of 1-A the vast majority of the facilities in the NPBL complex are non-industrial. We request that only those discharges from industrial processes should be subjected to these monitoring requirements. We also request that those discharges from industrial processes only be sampled for the parameters listed if they are likely to be present in those discharges.

Page 40, Section V. Basis for Conditions in the Tentative Waste Discharge Requirements (WDR), d: The Marine Environmental Support Office has developed a PAH report subsequent to the 1996 BPTCP showing reduced levels of PAH's in the Bay. A reference to this document should be made. In an effort to reduce PAH levels, the Navy has implemented a creosote pier piling replacement program and installed a shore based bilge oily waste treatment system at Subase San Diego.

Page 42, Section V. Basis for Conditions in the Tentative Waste Discharge Requirements (WDR), f: (See Sediment Monitoring ***General Comment*** above).

ITEM 9

From: Jayne Cassedy <jkcassedy@cox.net>
To: <rbagenda@rb9.swrcb.ca.gov>
Date: 3/28/02 11:26AM
Subject: Navy SubBase water permit

SUPPORTING DOCUMENT 14.

I am writing with regard to the water release permit for the Navy submarine base. It is important that this permit be AT LEAST AS stringent as the permits for commercial operations. It wold be wrong to allow the Navy a free pass with regards to bay pollution.

The water quality of the bay is in your hands. Please act wisely.

Sincerely,
Jayne Cassedy
1030 Calaveras Dr
San Diego, CA 92107-4126

Item 9

2ND mailing

Laura Hunter

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

ITEM 9.

JUL 29 2000

In Reply
Refer to: WTR-5

SUPPORTING DOCUMENT 15.

John Robertus
Executive Officer
California Regional Water Quality Control Board,
San Diego Region
9771 Clairemont Mesa Blvd, Suite A
San Diego, CA 92124-1324

RE: SUPPORTING DOCUMENT 9 ATTACHED LETTER 2ND PAGE WAS NOT IN 15 MAILING

Dear Mr. Robertus:

The purpose of this letter is to encourage the San Diego Regional Board to proceed with the Board's own proposal to issue individual permits or industry-specific general permits for storm water discharges from Navy facilities in the San Diego area. In 1997, the Regional Board issued two general permits (CAG039001 and CAG039002) covering various discharges, including storm water, from commercial shipyards in the San Diego area. At the time, the Regional Board also indicated that it intended to issue similar permits for Navy facilities in the future.

For storm water discharges from San Diego's commercial shipyards, the Regional Board's two general permits superceded the coverage previously provided by the statewide general storm water permit issued by the State Board. The statewide general permit only includes generic best management practice requirements given the broad range of industrial facilities which are intended to be covered by the permit. The requirements of the Regional Board's general permits, however, are specifically tailored to shipyards and we believe these permits will be significantly more protective of San Diego Bay than the State Board's general permit. At a recently meeting with Region 9, the Environmental Health Coalition also expressed concern regarding the coverage of the Navy facilities by the State Board's general permit.

We understand that Regional Board staff are currently reviewing Navy facilities in the San Diego area to assess the activities occurring at the facilities and the risks posed to storm water discharges. Where appropriate based on this review, we recommend that the Regional Board issue individual permits or industry-specific general permits for storm water discharges from the Navy facilities similar to the permits issued for the commercial shipyards. This would be consistent with EPA's long-term permitting strategy for industrial storm water discharges (57 Fed. Reg. 11397, April 2, 1992). This EPA strategy begins with the issuance of baseline general storm water permits such as the State Board's statewide general permit. Over time; however, the strategy calls for the issuance of individual permits or industry-specific general permits to replace the baseline permits, beginning with the facilities which are likely to be the most significant sources of pollutants in a given area. Given the scope of the Navy facilities and operations in

San Diego, these facilities would be prime candidates for the issuance of separate storm water permits in accordance with the long-term permitting strategy.

Thank you for considering our recommendations concerning the permitting of the Navy facilities in San Diego. Should you have any questions regarding this matter, please call me at (415) 744-2001, or refer your staff to Eugene Bromley of the CWA Standards and Permits Office at (415) 744-1906.

Sincerely,

Catherine Kuhlman

Catherine Kuhlman
Associate Director
Water Division

cc: Paul Richter, San Diego Regional Board
Deborah Jayne, San Diego Regional Board
Laura Hunter, Environmental Health Coalition

A CENTURY OF LEARNING 1897-1997
SDSU
Department of Sociology
College of Arts and Letters,
San Diego State University
5500 Campanile Drive
San Diego CA 92182-4423
619-594-5449
FAX: 619-594-1325

J. Robertus

ITEM 9.
SUPPORTING
DOCUMENT 16.

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD
2002 APR -2 P 2:21

John P 4-3
JR 4/2

Mr. John Robertus
Regional Water Quality Control Board
9174 Skypark Court
San Diego, CA 92124

March 28, 2002

pl include in mail to Bd member for 10 April hearing
PJZ

Dear Mr. Robertus:

I am delighted to hear, as an Environmental Health Coalition (EHC) member, that the Navy Submarine Base has its first facility permit, after 30 years after the passage of the Clean Water Act, requiring polluting discharges to have permits.

I am, however, very concerned about the Tentative Permit. The permit requirements do not require prevention of pollutant discharges, lack of full assessment of risks, and monitoring to determine the impacts of those discharges.

As a college

Instructor in Sociology, I bring these kinds of environmental issues to my classes as we decide the most effective ways for citizens to make their concerns known to our officials. We are all together in terms of how we may be affected by polluting discharge in our communities. I sincerely ask that you use all your influence to be sure we have a safe San Diego County concerning these matters.

Sincerely,

Jane R. Carney

Jane R. Carney
4340 Aragon Way
San Diego, CA 92115

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45RW.rc/0086
April 3, 2002

ITEM 9
SUPPORTING DOCUMENT 17.

Mr. John Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court
San Diego, CA 92123

Dear Mr. Robertus:

We received notification on April 2, 2002 that an errata sheet regarding Tentative Order No. R9-2002-0002 had been posted on the San Diego Regional Water Quality Control Board (SD RWQCB) website. The errata sheet lists several major revisions to the tentative order and raises technical and legal issues that we cannot adequately review and comment on by the close of the public comment period April 3, 2002, the date of this letter. Additionally, there is inadequate time for us to prepare materials and testimony relevant to these significant revisions that is essential for the public hearing on April 10, 2002. Accordingly, we request a 60-day extension of the public comment period.

The revisions expand the scope of the tentative order in two respects. First, the revisions amend the prior tentative order terms and conditions concerning the preparation of a system engineering analysis report and the reduction of copper and zinc concentrations in storm water discharges at Submarine Base, San Diego (SUBASE). Secondly, the revisions establish new requirements including toxicity standards and toxicity testing for storm water discharges at SUBASE.

Based on our preliminary review, the following major revisions were identified in the errata sheet.

- The revisions require a *systems engineering analysis report* for SUBASE be completed and submitted to the SD RWQCB within one year after the permit is adopted. The original tentative order required the engineering report if after two years of storm water monitoring, the analytical results showed high levels of copper or zinc in the storm water runoff. The revisions make the engineering report mandatory regardless of our storm water monitoring results.

- The permit includes a statement that SUBASE zinc and copper concentrations should be reduced to specified levels within 2 years of the adoption of this order. This statement was not included in the original tentative order. An extension will allow time for us to evaluate if the copper and zinc levels are appropriate standards for industrial storm water discharges and the feasibility of meeting the levels within two years.

- The revisions include a toxicity standard and toxicity testing for industrial storm water discharges from SUBASE. The original order did not include a toxicity standard or toxicity testing for storm water discharges.

Based upon the Boatyard and Shipyard's experience in meeting toxicity standards similar to the ones proposed in the errata sheet, the new toxicity standard could require significant infrastructure modifications costing possibly millions of dollars. The extended comment period is necessary so that we can fully evaluate the toxicity standard and testing requirements. Toxicity testing is very complex and there is no general agreement on how toxicity testing should be performed and what standards should be applied to storm water discharges. Issues concerning appropriate survival rates and test species, the use of mixing zones, laboratory variability and toxicity endpoints are just a few of the complex issues we need to review. We will need to enlist contractor support to acquire the necessary scientific expertise to investigate these issues. It is extremely important, given the potential costs that could result from this toxicity standard, that we are afforded adequate time to fully evaluate the proposed new standard.

Failure to extend the public comment period will undermine the decisional process by precluding a full discussion of the issues. The Navy will prejudiced because the very limited time to review and comment on these significant changes will result in an inability to raise all pertinent issues and concerns as required by per 40 CFR 124. Furthermore, it is essential that this tentative order is properly reviewed and fully discussed because it will set the framework for future NPDES permits that are slated for the Naval Base San Diego and Naval Base Coronado complexes.

If there are any questions regarding this request please feel free to contact me at (619) 524-6091 or Brian Gordon, Environmental Compliance Director, at (619) 524-6390.

Sincerely,

Martha F. Gandy

MARTHA F. GANDY
Environmental Program Manager
By direction of the Commander